

## CHAPTER 10 PEER REVIEW

[Prior to 11/14/01, see 193C—4.5(542B)]

**193C—10.1(542B,272C) Peer review committee (PRC).** The board may appoint a peer review committee for the investigation of a complaint about the acts or omissions of one or more licensees.

**10.1(1) *PRC membership.*** A PRC shall generally consist of three or more licensed engineers or licensed land surveyors or both, as determined by the board, who are selected for their knowledge and experience in the type of engineering or land surveying involved in the complaint. The board may appoint a two-member PRC or a single peer review consultant to perform the function of a PRC when, in the board's opinion, appointing a committee with three or more members would be impractical, unnecessary or undesirable given the nature of the expertise required, the need for prompt action or the circumstances of the complaint.

An individual shall be ineligible for membership on a PRC in accordance with the standard for disqualification found at 193 IAC 7.14(1). If a PRC member is unable to serve after an investigation has begun, the PRC member must notify the board office.

**10.1(2) *Authority.*** The PRC's investigation may include activities such as interviewing the complainant, the respondent, individuals with knowledge of the alleged violation, and individuals with knowledge of the respondent's practice in the community; gathering documents; conducting site visits; and performing independent analyses as deemed necessary. Although the board does not become involved in a complaint investigation, the board may give specific instructions to the PRC regarding the scope of the investigation. In the course of the investigation, PRC members shall refrain from advising the complainant or respondent on actions that the board might take.

**10.1(3) *Term of service.*** The PRC serves at the pleasure of the board. The board may dismiss any or all members of a PRC or add new members at any time.

**10.1(4) *Compensation.*** The terms of payment as authorized by the peer review agreement may vary based on the nature and complexity of each assignment and whether the peer reviewer will act as a single peer reviewer or as part of a peer review committee. The peer reviewer shall be additionally entitled to reimbursement of expenses directly related to the peer review process, deposition or hearing preparation, or deposition or hearing testimony, such as mileage, meals, or out-of-pocket charges for securing copies of documents. Expenses will be reimbursed as allowed under the manuals and guidelines published by the Iowa department of administrative services, state accounting enterprise. The PRC shall not hire legal counsel, investigators, secretarial help or any other assistance without written authorization from the board.

**193C—10.2(542B,272C) Reports.** Each PRC shall submit a written report to the board within a reasonable period of time.

**10.2(1) *Components of the report.*** The report shall include:

- a.* A statement of the charge to the PRC;
- b.* A description of the actions taken by the PRC in its investigation, including but not limited to document review, interviews and site visits;
- c.* A summary of the PRC's findings, including (1) the PRC's opinion as to whether a violation has occurred, (2) citation of the Iowa Code section(s) and Iowa Administrative Code rule(s) violated, and (3) the PRC's opinion of the seriousness of the violation; and
- d.* A recommendation.

In the case of a land surveyor PRC report, the report must be plat-specific as to the violations.

**10.2(2) *Recommended action.*** The PRC report shall recommend one of the following:

- a.* Dismissal of the complaint,
- b.* Further investigation, or

c. Disciplinary proceedings.

If the PRC recommends further investigation or disciplinary proceedings, supporting information must be submitted to the board including citation of the specific Iowa Code section(s) and Iowa Administrative Code rule(s) violated.

**10.2(3) *Disciplinary recommendations.*** When recommending disciplinary proceedings, a PRC shall refrain from suggesting a particular form of discipline, but may provide guidance on the severity of the violations that prompted the recommendation and may identify professional areas in which the licensee needs additional education, experience or monitoring in order to safely practice.

**193C—10.3(542B,272C) Confidentiality.** The PRC shall not discuss its findings and conclusions with any party to the complaint. PRC findings including the name of the complainant shall be kept confidential at all times. The PRC shall not reveal its findings to anyone other than the board (through its report to the board) or board staff. PRC findings shall be used only for the purposes of the board's possible disciplinary action and not for any other court case, lawsuit, or investigation. PRC reports are not subject to discovery.

**193C—10.4(542B,272C) Testimony.** PRC members may be required to testify in the event of formal disciplinary proceedings.

These rules are intended to implement Iowa Code section 272C.3.

[Filed 10/24/01, Notice 8/8/01—published 11/14/01, effective 1/1/02]

[Filed 11/29/07, Notice 8/15/07—published 12/19/07, effective 1/23/08]